

*PJ FW*

Patent

Attorney Docket: 161,700-079



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**ST. GERMAIN et al.**

**Serial No.: 10/654,368**

Filed: September 2, 2003

For: COUNTERPULSATION DEVICE  
WITH INCREASED VOLUME-  
DISPLACEMENT EFFICIENCY AND  
METHODS OF USE

Group Art Unit: 3762

Examiner: Not yet assigned

**STATUS INQUIRY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

No office action or other communication on the above application has been received since the NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT, mailed on April 6, 2004 (copy enclosed). Applicant respectfully requests to be informed of the status of the application. Please direct your response to the undersigned.

Respectfully submitted,  
O'MELVENY & MYERS LLP

Dated: June 8, 2005

By: Diane K. Wong  
Diane K. Wong, Reg. No. 54,550  
Attorneys for Applicant

**RECEIVED**  
**OIPE/IAP**

**JUL 01 2005**

O'Melveny & Myers LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618-3315  
(949) 737-2900

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 8, 2005

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*Cynthia B. Pacheco*

Cynthia B. Pacheco



# UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APRIL 06, 2004

PTAS



\*102551851A\*

O'MELVENY & MYERS LLP  
JOHN KAPPOS  
114 PACIFICA, SUITE 100  
IRVINE, CA 92618-3315

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RECORDATION DATE: 09/02/2003

REEL/FRAME: 014480/0409  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

ST. GERMAIN, JON P.

DOC DATE: 08/22/2003

ASSIGNEE:

KEITH, PETER T.

DOC DATE: 08/25/2003

ASSIGNEE:

BARBUT, DENISE R.

DOC DATE: 08/23/2003

ASSIGNEE:

COAXIA, INC.  
10900 73RD AVENUE NORTH, SUITE 102  
MAPLE GROVE, MINNESOTA 55369-5400

SERIAL NUMBER: 10654368  
PATENT NUMBER:

FILING DATE: 09/02/2003  
ISSUE DATE:

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014480/0409 PAGE 2

PAULA MCCRAY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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09-16-2003

Docket No. 164700-079

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Jon P. St. Germain, Peter T. Keith and Denise R. Barbut Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party: Name: COAXIA, INC. Internal Address: City: State: Zip: Street Address: 10900 73 <sup>rd</sup> Avenue North, Suite 102 City: Maple Grove State: MN Zip: 55369-5400
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Execution Date: August 25, 2003		
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: <u>August 25, 2003</u>		
A. Patent Application No(s).: <u>10,654368</u>		B. Patent No(s).: _____
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: John Kappos  Internal Address: O'Melveny & Myers LLP 114 Pacifica, Suite 100 Irvine, CA 92618-3315		6. Total number of applications and patents involved: <u>1</u>  7. Total fee (37 CFR 3.41): \$ 40.00 <input checked="" type="checkbox"/> Enclosed  <input checked="" type="checkbox"/> Charge this Deposit Account if any additional fee is required
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To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

John Kappos  
John Kappos, Reg. No. 37,861Date: September 2, 2003Total number of pages including cover sheet: 3

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10/654368

Patent

Attorney Docket 161,700-079

ASSIGNMENT OF PATENT APPLICATION

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WHEREAS, WE, JON P. ST. GERMAIN, PETER T. KEITH and DENISE BARBUT, citizens of U.S.A., having a place of business at 10900 73<sup>rd</sup> Avenue North, Suite 102, Maple Grove, MN 55369 (hereinafter referred to as "ASSIGNORS"), have invented COUNTERPULSATION DEVICE WITH INCREASED VOLUME-DISPLACEMENT EFFICIENCY AND METHODS OF USE for which application for Letters Patent of the United States of America is filed herewith; and

WHEREAS, COAXIA, INC., a corporation organized and existing under and by virtue of the laws of the state of Delaware and having its principal place of business at 10900 73<sup>rd</sup> Avenue North, Suite 102, Maple Grove, MN 55369 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

COPY

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto, to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue

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said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

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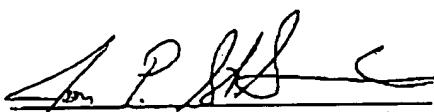
ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention, and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

**COPY**

IN WITNESS WHEREOF, the ASSIGNOR has executed this Assignment at:

Maple Grove, MN  
(City)

  
Jon P. St. Germain

8-22-03  
Date

Maple Grove, MN  
(City)

  
Peter T. Keith

8/25/03  
Date

Maple Grove, MN  
(City)

  
Denise R. Barbut

8/23/03  
Date

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TRI:10466551